fication of the underlying doctrine of the personality of the ship. The minority of the court, in a vigorous dissent, would seem apprehensive of this result. Such a consequence would be unfortunate. The basis of admiralty jurisdiction, and the only reason for not blending it with the common law, is its proceeding *in rem*, and that proceeding depends on the theory of maritime liens, which, in itself, rests upon the individuality of the ship. From the standpoint of business, the ship cannot sail without credit and it cannot have credit without maritime liens. These are familiar platitudes, but they are derived from the inherent nature of the business itself. Another is that capital cannot be secured for the business unless the investor can be assured of a definite limitation of liability, and this ultimately depends upon the personification of the ship. Tradesmen will not furnish a ship with supplies nor salvors aid her in peril unless they have the assurance of the lien. The importance of the lien is quite as important in matters of tort, although not as conspicuous, since, for example, it is one of the elements of the underwriter's rate of premium for the running-down clause in the marine policy. At a time when we are making a colossal effort to establish a mercantile marine, with ships publicly, and not privately, owned, it will be unfortunate to impair their credit and segregate them further from the settled channels of the general maritime law. The majority opinion, it is true, warns us that "we must realize that however ancient may be the traditions of maritime law, however diverse the sources from which it has been drawn, it derives its whole and only power in this country from its having been accepted and adopted by the United States. There is no mystic overlaw to which even the United States must bow." There is, however, a very plain and definite law, to which even the United States must bow if it is to succeed in maritime affairs, and that is the general maritime law, or common law of the sea, and the established practices and requirements of the business.

G. L. C.

MARITIME LAW—SHIP UNDER CONSTRUCTION—WORKMAN'S COMPENSATION. —In *Ship Company* v. *Rhode* (U. S. Sup. Ct., January 3, 1922) the Supreme Court reaffirms the rule that locality is the test of admiralty jurisdiction in matters of tort, even if the injury was received upon a ship in the process of construction, so long as it was afloat. The tort was consummated upon navigable waters; that satisfies the criterion. The fact that the ship was not yet within the jurisdiction (because of the ship-building dogma) is immaterial; locality controls.

The second question was whether the exclusive features of the Oregon Workmen's Compensation Act abrogated the right to recover damages in admiralty. That act entitles the injured workman to receive specific payments and provides that "the right to receive such sums shall be in lieu of all claims against his employer." In the present case the workman had sued the employer in admiralty, and the Oregon statute is held to preclude the suit because it prescribes an exclusive remedy for the injury involved. It is generally held that what is a discharge of a debt in the country where it is contracted is a discharge of it everywhere, and that where an obligation

ex delicto to pay damages is discharged and avoided by the law of the country where it was made, the accessory right of action is in like manner discharged and avoided. *Phillips* v. *Eyre,* L. R. 6 Q. B. 1. Under this rule, the state statute would control in all non-maritime transactions, because the parties had contracted with reference to it. The construction of a ship is no different from the construction of a house, so far as the Compensation Act is concerned, and where the injured party comes into a court of another jurisdiction his rights are measured by the *lex locus delicti.* G. L. C.

THE "HOT TRAIL" INTO MEXICO AND EXTRADITION ANALOGIES.—The recent decision of the Texas Court of Criminal Appeals in *Dominguez* v. *State,* 234 S. W. 79, has given us an important precedent and also a valuable example of the solution of novel problems by means of analogies. A detachment of the military forces of the United States had been authorized by the War Department to enter Mexico on the "hot trail" in pursuit of bandits. While following a "hot trail" this detachment arrested Dominguez, a native citizen and resident of Mexico, and returned with him to the United States. It developed later that he was not one of the bandits who made the "hot trail." Dominguez was thereupon turned over, without his consent, to the authorities of Texas, and was indicted and convicted for a murder previously committed in Texas. It was held upon appeal that the prisoner might resist trial for the offense charged in the indictment until such time as he should voluntarily subject himself to the jurisdiction of the United States or until the consent of the Mexican government to his trial should be obtained.

There was no precedent in the decided cases. Counsel argued for the application by analogy of the principles which control in the decision of extradition cases. In reliance upon the extradition analogies the case was decided.

In general, apart from treaty, independent states are said to be under no international obligation to surrender fugitives from justice. HYDE, INT. LAW, I, § 311; MOORE, DIGEST, IV, 245; MOORE, EXTRADITION, I, 21 ff. The facility with which criminals may find asylum in other countries has led most states to conclude treaties in which provision is made for the extradition of fugitives charged with any one or more of an enumerated list of crimes. See the Extradition Treaty with Mexico of 1899, art. 2, and the Supplementary Extradition Convention of 1903, MALLOY, TREATIES, I, 1184, 1193. See also HYDE, I, §§ 313 ff. The extradition of fugitives is thus a concession and compromise defined in treaties, a mitigation of strict right in the common interest of all civilized states. Comity and good faith among nations require that the concession should not be overtaxed or abused. It follows, according to the rule generally approved, and expressly affirmed by the Supreme Court of the United States, that "a person who has been brought within the jurisdiction of the court by virtue of proceedings under an extradition treaty, can only be tried for one of the offenses described in that treaty, and for the offense with which he is charged in the proceedings for his extradition, until a reasonable time and opportunity have been given